IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

OP.No. 30294 of 1999(F)

PETITIONER:

PARAKKAL BARGAVI AMMA,
M/O.NO.2594057, LATE SEP.P.PRAKASAN,
KUTTASSERY POLLIL HOUSE, ELAMPUR P.O.,
ERNAD TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENTS:
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1. **THE SECRETARY,**
   MINISTRY OF DEFENCE, GOVERNMENT OF INDIA, NEW DELHI.

2. **THE RECORDS OFFICER,**
   MADRAS REGIMENT ABHILEKH KARAYALAYA RECORDS,
   THE MADRAS REGIMENT, POST BAGE NO.1,
   WELLINGTON (NILGIRIS) 643 231.

3. **THE SECRETARY,**
   CCDA (P), ALLAHABAD.

4. **ZILLA SAINIK WELFARE OFFICER,**
   CIVIL STATION, MALAPPURAM.

BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, C.G.C.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.51622/1999 IN O.P.NO.30294/1999 F

DISMISSED

4/07/2007 **SD/- T.R.RAMACHANDRAN NAIR, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE LETTER DTD. 15/12/92 SENT BY R2 TO R3.**

EXT.P2: **COPY OF THE PAYMENT ORDER DTD. 29/07/92 OF GROUP INSURANCE BENEFIT, RECD BY THE PETITIONER.**

EXT.P3: **COPY OF THE ORDER OF PAYMENT OF MATURITY BENEFIT DTD. 3/3/93.**

EXT.P4: **COPY OF THE ORDER DTD. 13/04/93 FOR PAYMENT OF DEATH GRATUITY.**

EXT.P5: **COPY OF THE LETTER DTD. 17/09/93 SENT BY R2 TO R3.**

EXT.P6: **COPY OF THE LETTER DTD. 20/09/94 SENT BY R2 TO THE PETITIONER.**

EXT.P7: **COPY OF THE LETTER DTD. 11/10/94 SENT BY R2 TO R3.**

EXT.P8: **COPY OF THE COMMUNICATION DTD. 13/10/97 RECEIVED BY THE PETITIONER FROM R1.**

2ND RESPONDENT'S ANNEXURES:

EXT.R2(A): **COPY OF THE LETTER DTD.01/02/2001.**

EXT.R2(B): **COPY OF THE PENSION PAYMENT ORDER DTD. 15/01/2001.**

/TRUE COPY/

KSS

T.R.RAMACHANDRAN NAIR, J.

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O.P.No.30294 of 1999-F.

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Dated this the 4th day of July, 2007.

J U D G M E N T

The petitioner is the mother of late Shri.P.Prakasan, who was a Sepoy in the Indian Army Madras Regiment. He was enrolled as such on 16.10.1988 and he died on 21.4.1992. The claim of the petitioner is for disbursement of eligible family pension. The claim was rejected as per Ext.P8 and other earlier orders. Challenging the same the petitioner approached this Court.

2. Heard the learned counsel for the petitioner and Shri.Thomas Mathew Nellimoottil, Senior Panel Counsel for the respondents. It was pointed out by the learned senior counsel for the respondents that pending the writ petition family pension has been sanctioned as per Ext.R2(a) and therefore, nothing survives in the writ petition. The learned counsel for the petitioner points out that the sanction of the family pension is from 1.1.1998 and the petitioner has not been paid the amount for the anterior period. The learned senior counsel submits that the rules have come into force only with effect from 1.1.1996.

3. If the petitioner has got any further grievance with regard to the date from which the family pension ought to have been sanctioned, she will be free to take up the matter before the competent authority by way of a fresh

representation. If such a representation is filed within six weeks from today, the same will be considered by the competent authority and appropriate action will be taken and the petitioner will be informed of the same also.

With the above direction, this writ petition is disposed of. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-